

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:11cv321**

<b>DELTA WALSH,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>ORDER OF DISMISSAL</b>
	)	
<b>DEWAIN MACKEY, et. al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court *sua sponte* to dismiss this action.

On August 3, 2012, this Court provided the Plaintiff Delta Walsh with a twenty day period within which to file a Second Amended Complaint or a Voluntary Dismissal. [Doc. 56 at 21]. The Plaintiff was instructed that no extensions of time within which to do so would be granted. [Id.]. She was also advised that her failure to timely comply would result in the dismissal of the action without further notice. [Id. at 22].

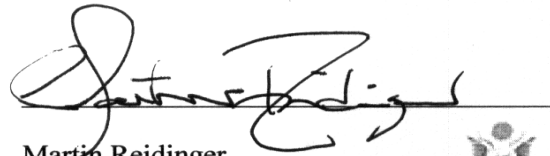
On August 20, 2012, rather than filing such an amendment, the Plaintiff filed a Notice of Appeal from that Order. [Doc. 57]. The time within which the Plaintiff could have filed a Second Amended Complaint or a Voluntary Dismissal has expired and she has not taken either course of action. The

Court will therefore dismiss this case.

**IT IS, THEREFORE, ORDERED** that this action is hereby **DISMISSED**.

The Clerk of Court is requested to provide a copy of this Order to the United States Court of Appeals for the Fourth Circuit.

Signed: August 28, 2012

  
Martin Reidinger  
United States District Judge

